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BY ECF

Honorable Vera M. Scanlon - United States Magistrate Judge

United States District Court - Eastern District of New York

225 Cadman Plaza East

Brooklyn, NY 11201

Re: *Rayne Valentine v. City of New York, et al.* - 21-CV-4867 (EK) (VMS)

Your Honor:

I am counsel for Plaintiff Rayne Valentine in this matter. I write to request that the Court adjourn the telephonic conference scheduled for August 9, 2022 at 12:30 p.m., and the noon deadline on August 8, 2022 by which the parties are required to submit a detailed proposed discovery plan to the Court, by at least three weeks. Defendants consent to this application. Neither party has made a prior application seeking this relief.

By way of background, the Court set the August 8th and August 9th deadlines during a June 2, 2022 conference at which Defendant City of New York and a number – but not all – of the individual Defendants were represented by Assistant Corporation Counsel Joshua Kaufman, Esq. Also on June 2nd, the Court ordered:

Prior to the [August 9th] conference, counsel will work together to review the materials produced by the IAB, the anticipated production of District Attorney's Office file, and the videos produced to identify the personally involved Defendants, and possibly dismiss Defendants not involved in the events alleged by Plaintiff. Counsel should also be prepared to discuss settlement possibilities.

The Court also ordered the individual Defendants who had not by then appeared or answer to answer by June 23rd, 2022. That order was based on defense counsel's estimates and representations to the Court about the time it would take for the Law Department to have sorted out representation issues. At that time, June 23rd was also the deadline by which Plaintiff was required to amend the First Amended Complaint.

On June 17th, 21st, and 22nd, I repeatedly e-mailed and called Mr. Kaufman – who was the only counsel of record at that time for any of the Defendants – in order to learn Defendants' position on an application I intended to make to extend the complaint amendment deadline. I heard nothing back from Mr. Kaufman. I assume he had left the Law Department by then.

After calls to others in the Law Department, on June 22nd, I eventually heard back from William Gosling, Esq., who said he would not be appearing in the case and who did not appear to be familiar with the details or history of the case.

Also on June 22nd, Mr. Gosling filed an application to extend the June 23rd deadline by which the individual Defendants were then to answer (ECF No. 44), which I opposed (ECF No. 45). The Court granted that application on July 6, 2022 to the extent of ordering all Defendants to answer by July 22, 2022.

On July 11, 2022, Assistant Corporation Counsel Mary Kathleen Sherwood, Esq. appeared in the case on behalf of three of the Defendants (ECF No. 46).

On July 22, 2022, all Defendants answered, represented by the Law Department (ECF No. 47).

During the week of July 25, 2022, Assistant Corporation Counsel Sherwood and I spoke for the first time about the case. Although we had a productive discussion, we were not able to accomplish the tasks the Court set out for the parties on June 2, 2022.

I have been on vacation this week. I return on Monday, August 8th. That morning, I have a dentist's appointment, followed by a day-long shift working as assigned counsel in a New York City Criminal Court Summons Appearance Part.

On August 3, 2022, the Office of the Kings County District Attorney ("KCDA") responded to the subpoena I served in May. I expect to be able to download the production and make it available to opposing counsel next week. However, neither of us have had the opportunity to review the production.

Finally, on August 1, 2022, Hon. Jesse M. Furman rescheduled a show cause hearing on a default judgment motion in *Anshuman Bhatia v. City of New York, et al.*, 21-cv-8363 (JMF)(JLC), from 2:30 p.m. on August 9, 2022 to 1:15 p.m. on August 9, 2022.

Given the circumstances, Plaintiff respectfully asks the Court to adjourn the August 9, 2022 conference in this matter, and the related August 8th deadline, by at least three weeks.

If the Court grants this application, counsel for the parties will be able to review the KCDA production and engage in the "work together" that the Court envisioned we would accomplish on June 2nd.

Thank you for your attention to this matter.

Respectfully submitted,

/S/

Gideon Orion Oliver